

7/21/10 3:25:47 565
DK W BK 638 PG 349
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

This instrument prepared by:

Joseph D. Neyman, Jr. – MS Bar #10399
Smith Phillips Mitchell Scott & Nowak, LLP
2545 Caffey St.
Hernando, MS 38632
662-429-5041

**GRANTOR(S): BRYAN THOMAS WEST, AS SUCESSOR TRUSTEE
OF THE GARNETT B. WEST LIVING TRUST**

GRANTOR(S) ADDRESS & PHONE:

Address: P.O. Box 588
Southaven, MS 38671
Home Phone: 901-239-2269
Business Phone: N/A

GRANTEE(S): HORN LAKE CREEK WATERSHED DRAINAGE DISTRICT

GRANTEE(S) ADDRESS & PHONE:

2535 Highway 51
Hernando, MS 38632
Home Phone: N/A
Business Phone: 662-429-5011

INDEXING INSTRUCTIONS: Northwest Quarter of Section 23, Township 1 South, Range 8
West, DeSoto County, Mississippi

TEMPORARY CONSTRUCTION EASEMENT

For and in consideration of the sum of \$10.00 cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **I, BRYAN THOMAS WEST, SUCCESSOR TRUSTEE OF THE GARNETT B. WEST LIVING TRUST**, do hereby grant and convey a temporary construction easement to **HORN LAKE CREEK WATERSHED DRAINAGE DISTRICT** its employees, agents, contractors, and cooperation parties, such as the Natural Resources Conversation Service of the United States Department of Agriculture, with the right to enter upon the following described lands as a construction and work area, including the right to move, store, and remove equipment and supplies, and to perform any other work necessary and incident to the improving of drainage ditches, together with the right to grade land, install rip rap or similar materials, trim, cut, fell and remove therefrom all snags, trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the easement:

Beginning at the accepted northwest corner of Section 23, Township 1 South, Range 8 West, DeSoto County, Mississippi; thence South 44°-02'-09" East, a distance of 775.24 feet to a point, said point being the northwest corner of Lot 4B of the Subdivision of Lots 3 & 4 of Section A, First Commercial & Industrial Plaza Subdivision; thence North 54°-03'-32" East along the north line of Lots 4B and 4C, a distance of 195.09 feet to a point; thence North 74°-56'-18" East along the north line of Lot 4C, a distance of 22.18 feet to a point; thence North 73°-49'-46" East, a distance of 14.40 feet to a point, said point being the northeast corner of Lot 4C and being the point of beginning for an Easement for Construction and Maintenance of Bank Stabilization along Southaven Creek and more particularly described as follows:

Beginning at the northeast corner of Lot 4C; thence South 00°-21'-45" East along the east line of Lot 4C, a distance of approximately 63 feet to a point on a drainage easement which is offset 60 feet perpendicular from the north line of said Lot 4C; thence southwesterly along said drainage easement a distance of approximately 118 feet to a point said point being the intersection of said drainage easement and the west line of Lot 4C; thence North 00°-17'-07" West along the west line of Lot 4C, a distance of approximately 74 feet to a point, said point being the northwest corner of Lot 4C; thence North 54°-03'-32" East along the north line of Lot 4C, a distance of 77.26 feet to a point; thence North 74°-56'-18" East and along the north line of Lot 4C a distance of 22.18 feet to a point; thence North 73°-49'-46" East, a distance of 14.40 feet to the point of beginning of an Easement for Construction and Maintenance of Bank Stabilization along Southaven Creek; subject description is intended to describe the existing 60 foot drainage, ingress/egress, sanitary sewer and utility easement across Lot 4C as shown on plat of record and filed in Plat Book 43, page 10 of the Chancery Clerk's Office of DeSoto County Mississippi. Said property being located in the Northwest Quarter.

I fully understand that I have the right to receive just compensation for the real property herein described based on an appraisal of said property. I hereby waive my right to just compensation and donate the real property herein described to Horn Lake Creek Watershed Drainage District. I further understand that I have the right to request that a fair market value appraisal of the property be made and I hereby waive that right.

The temporary construction easement shall last for two years or until the completion of the project, whichever comes first.

WITNESS MY SIGNATURE, on the date as set forth below.


**BRYAN THOMAS WEST, AS SUCESSOR TRUSTEE
 OF THE GARNETT B. WEST LIVING TRUST**

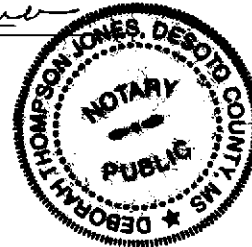
Dated: July 16, 2010

STATE OF ^(dt) Mississippi
 COUNTY OF DeSoto

This day, personally appeared before me, the undersigned authority in and for said county and state, the above named **BRYAN THOMAS WEST, AS SUCESSOR TRUSTEE OF THE GARNETT B. WEST LIVING TRUST** who acknowledged that he signed and delivered the above and foregoing easement on the day and year therein mentioned as his free and voluntary act and deed and for the purposes therein expressed.

GIVEN under my hand and official seal of office, this the 16th day of July, 2010.


 Notary Public



My commission expires:
 NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
 MY COMMISSION EXPIRES: Mar 21, 2011
 BONDED THRU NOTARY PUBLIC UNDERWRITERS